REMARKS

Enclosed is a Transmittal of Revocation of Power of Attorney By Assignee and Change of Correspondence Address & Attorney Docket Number. Also enclosed is the fully executed Revocation of Power of Attorney By Assignee.

Further enclosed is Request for Continued Examination and a Petition for Three-Month Extension of Time. Also, enclosed is a check in the amount of $1860 to cover the RCE and Petition fees.

The Office Action dated January 31, 2008 and the Advisory Action dated 6/17/2008 have been fully considered by the Applicant.

Claims 1-19 have been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6233389 to Barton et al. Reconsideration of the rejection is respectively requested.

Independent claim 1 has been currently amended to include a method of content presentation comprising the steps of: (a) receiving a content signal from a content source; (b) deriving a content indicator from a content analysis of the content signal; and (c) automatically adjusting a presentation rate of the content signal in response to the content indicator.

Applicant sincerely believes that currently amended claim 1, along with dependent claims 2-16, is not disclosed in the '389 Barton patent and therefore respectfully requests reconsideration of the rejection.

The Barton patent does not include the step of automatically adjusting a presentation rate of the content signal in response to the content indicator. For instance, if a user was playing back a recorded program, Applicant's device would fast-forward automatically through the advertisements if the user had set up preferences to perform in this manner.

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However, the '389 Barton discloses a way of cacheing the video stream such that if, for example, the user pauses the live stream, on unpausing the video continues from where it was paused (it is spooled onto storage while paused and catching up on subsequent playback) and the user can manually choose to fast forward through the advertisements (thereby catching up with the live video feed).

The Examiner states in the Advisory Action dated 6/17/2008 that Barton allows "the viewer to pause the program playback whenever he desires, fast forward through unwanted program material or commercials". However, as previously stated, this does not occur automatically in response to the content of the video--it occurs by the user manually choosing and selecting the function to fast forward (for example) through the stored program during playback. Col. 9, lines 22-31 support this rationale:

> "The control object 917 accepts commands from the user and sends events into the pipeline to control what the pipeline is doing. For example, if the user has a remote control and is watching TV, the user presses pause and the control object 917 sends an event to the sink 903, that tells it pause. The sink 903 stops asking for new buffers. The current pointer 920 stays where it is at. The sink 903 starts taking buffers out again when it receives another event that tells it to play. The system is in perfect synchronization; it starts from the frame that it stopped at."

The Examiner's citation at Column 1, lines 18-20 does not support the Examiner's argument to the contrary. Below is the entire paragraph which includes lines 18-20:

> "The viewer stores TV programs onto magnetic tape using the VCR. The VCR gives the viewer the ability to play, rewind, fast forward and pause the stored program material. These functions enable the viewer to pause the program playback whenever he desires, fast forward through unwanted program material or commercials, and to replay favorite scenes. However, a VCR cannot both capture and play back information at the same time. "

Examiner Borromeo goes on to state that Barton (at Col. 11, lines 17-20) describes that the "program logic can program to adjusting [sic] a presentation rate (i.e fast forward) of the content signal in response to the content indicator.' Col 11, lines 17-20 read as follows:

> "This allows the program logic or user to create custom sequences of video output. Any number of video segments can be lined up and combined as if the program logic or user were using the broadcast studio video mixer."

As can be seen, this portion of the document simple states that it is the sequence of programs that is defined by the user or by program logic, not the presentation rate.

This is reinforced by the subsequent paragraph at Col 11, lines 27-30 which reads as follows:

> "The derived class and resulting objects described here may be combined in an arbitrary way to create a number of different useful configurations for storing, retrieving, switching and viewing of TV streams."

This indicates that where multiple input and output sections are available, one input is viewed while another is stored, and is in line with the description in the previously paragraph relating to a studio mixer, where in a studio the broadcaster can view several input cameras simultaneously and switch the output view between them to provide the optimum viewing experience to the viewer.

However, there is no disclosure or implication in Barton that the presentation rate of the content is automatically adjusted in response to the content type.

A rejection under Section §102 is only proper if all of the claim limitations are disclosed in a prior art reference. Applicants respectfully request reconsideration of the rejection.

Independent claim 17 is directed toward an apparatus for content presentation comprising: a receiver for receiving a content signal from a content source; a processor for deriving a content indicator from a content analysis of the content signal; and a controller for automatically adjusting a presentation rate of the content signal in response to the content indicator.

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As set forth in detail above, the Barton '389 patent does not include a controller for automatically adjusting a presentation rate of the content signal in response to the content indicator.
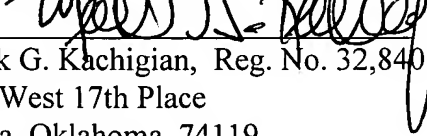
Therefore, Applicant sincerely believes that currently amended claim 17, along with dependent claims 18 and 19, is not disclosed in the '389 Barton patent for the same reasons as set forth above and, therefore, respectfully request reconsideration of the rejection.

Unless the undersigned has misinterpreted the Office Action, this amendment should place the claims in condition for allowance. If, for any reason, the claims are not in condition for allowance it is because of a mistake or a misunderstanding of the Office Action and, in such case, the Examiner is invited to call the undersigned at (918) 587-2000 so that any remaining amendments to place the application in condition for allowance can hopefully be achieved in a telephone interview. If any further charges or refunds are associated with this application, the Commissioner is hereby authorized to charge Deposit Account No. 08-1500.

Respectfully Submitted

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